

MEMORANDUM

TO: County Council

FROM: *MF* Michael Faden, Senior Legislative Attorney

SUBJECT: **Introduction:** Bill 9-07, Growth Policy - Amendments

Bill 9-07, Growth Policy - Amendments, sponsored by the Council President at the request of the Planning Board, is scheduled to be introduced on May 24, 2007. A public hearing is tentatively scheduled for June 19 at 7:30 p.m., along with revisions to the Growth Policy and related tax items.

Bill 9-07 would revise the timing of the Growth Policy adoption process, specifically the submission dates of the Planning staff and Planning Board drafts.

This packet contains:
Bill 9-07

Circle #
1

Bill No. 9-07
Concerning: County Growth Policy -
Amendments
Revised: 5-23-07 Draft No. 2
Introduced: May 24, 2007
Expires: November 24, 2008
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the Planning Board

AN ACT to revise the process to adopt and amend the County Growth Policy.

By amending

Montgomery County Code
Chapter 33A, Planning Procedures.
Sec. 33A-15, Growth Policy

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 33A-15 is amended as follows:**

2 **33A-15. Growth Policy**

3 (a) *Purpose.*

4 (1) The purpose of this Article is to establish a process by which the
5 County Council can give policy guidance to agencies of
6 government and the public on matters concerning:

7 (A) land use development;

8 (B) growth management; and

9 (C) related environmental, economic, and social issues.

10 (2) The policy guidance will be provided through the adoption by the
11 County Council of a growth policy, which is intended to be an
12 instrument that facilitates and coordinates the use of the powers
13 of government to limit or encourage growth and development in a
14 manner that best enhances the general health, welfare, and safety
15 of the residents of the County.

16 (b) *Simplified description.*

17 The growth policy must be adopted every 2 years by the County
18 Council. It consists of policy guidelines for the Planning Board, and
19 other agencies as appropriate, for their administration of Section 50-
20 35(k) and other laws and regulations which affect growth and
21 development.

22 (c) *Duties of the County Planning Board.*

23 Every odd-numbered year, the Planning Board must produce a
24 recommended growth policy.

- 25 (1) By [June] April 15, the Planning Board must send to the County
 26 Council a staff draft growth policy which includes:
- 27 (A) a status report on general land use conditions in the county,
 28 including the remaining growth capacity of zoned land,
 29 recent trends in real estate transactions, the level of service
 30 conditions of major public facilities and environmentally
 31 sensitive areas, and other relevant monitoring measures;
- 32 (B) a forecast of the most probable trends in population,
 33 households, and employment for the next 10 years,
 34 including key factors that may affect the trends;
- 35 (C) a recommended set of policy guidelines for the Planning
 36 Board, and other agencies as appropriate, with respect to
 37 administration of laws and regulations which affect growth
 38 and development; and
- 39 (D) any other information or recommendations relevant to growth
 40 policy, or requested by the County Council in the course of
 41 adopting the growth policy or by a later resolution.
- 42 (2) By [August] June 1, the Board must produce a recommended
 43 growth policy which reflects the Planning Board's views.
- 44 (3) The Planning Board must promptly make available to the County
 45 Executive, other agencies (including the Office of Zoning and
 46 Administrative Hearings and the People's Counsel), and the
 47 public copies of the staff draft and the Board's recommended
 48 growth policy.
- 49 (d) *Duties of the County Executive.*

- 50 (1) Every odd-numbered year, the County Executive must send to
51 the County Council by September 15 any revisions to the growth
52 policy recommended by the Planning Board in the form of
53 specific additions and deletions.
- 54 (2) The County Executive must promptly make available to the
55 Planning Board, other agencies, and the public copies of the
56 County Executive's recommendations.
- 57 (3) The County Executive must assist the Planning Board to compile
58 its status report for the recommended growth policy by making
59 available monitoring data which is routinely collected by
60 executive branch departments.
- 61 (e) *Duties of the County Board of Education.*
- 62 (1) Every odd-numbered year, the Board of Education must send to
63 the County Council by October 1 any comments on the
64 recommended growth policy submitted by the Planning Board
65 and the Executive's recommendations, including any proposed
66 revisions in the form of specific additions or deletions.
- 67 (2) The Board of Education must promptly make available to the
68 Planning Board, the County Executive, and the public copies of
69 these comments and revisions.
- 70 (3) The Board of Education must assist the Planning Board to
71 compile its status report for the growth policy by making
72 available monitoring data which is routinely collected by
73 Montgomery County Public Schools staff.
- 74 (f) *Duties of the Washington Suburban Sanitary Commission.*

(1) Every odd-numbered year, the Washington Suburban Sanitary Commission must send to the County Council by October 1 any comments on the recommended growth policy submitted by the Planning Board and the Executive's recommendations, including any proposed revisions in the form of specific additions or deletions.

(2) The Commission must promptly make available to the Planning Board, the County Executive, and the public copies of these comments and revisions.

(3) During the year, the Commission must assist the Planning Board to compile its status report for the growth policy by making available monitoring data which is routinely collected by Commission staff.

(g) *Duties of the County Council.*

(1) After receiving the recommended growth policy, the recommendations of the County Executive, and any other agency comments, the County Council must hold a public hearing on the recommendations and comments.

(2) Every odd-numbered year, the County Council must adopt by November 15 a growth policy to be effective until November 15 two years later. If the County Council does not adopt a new growth policy, the growth policy adopted most recently remains in effect.

(h) *Amending the growth policy.*

(1) The County Council, the County Executive, or the Planning

Board may initiate an amendment to the growth policy.

(2) If the Executive initiates an amendment:

(A) the Executive must send it to the Council, the Planning Board, and other agencies, and make copies available to the public;

(B) the Planning Board must send any comments on the proposed amendment to the Council and the other agencies within 45 days after receiving the amendment (unless the Council requests an earlier response), and must make copies of any comments available to the public; and

(C) the Council may amend the growth policy after giving the Planning Board and Board of Education an opportunity to comment and holding a public hearing.

(3) If the Planning Board initiates an amendment:

(A) the Planning Board must send it to the Council, the Executive, and other agencies, and make copies available to the public;

(B) the Executive must send any comments on the proposed amendment to the Council and other agencies within 45 days after receiving the amendment (unless the Council requests an earlier response), and must make copies of any comments available to the public; and

(C) the Council may amend the growth policy after giving the Executive and Board of Education an opportunity to comment and holding a public hearing.

(4) If the County Council initiates an amendment:

(A) the Council must send it to the Executive, the Planning Board, and other agencies, and make copies available to the public;

(B) the Executive and the Planning Board must send any comments on the proposed amendment to the Council and other agencies within 45 days after receiving the amendment (unless the Council requests an earlier response), and must make copies of any comments available to the public; and

(C) the County Council may amend the growth policy after a public hearing.

(5) If it finds that an emergency so requires, the County Council may hold the public hearing and adopt an amendment before receiving comments under subparagraphs (2)(B), (3)(B), or (4)(B).

Approved:

Marilyn J. Praisner, President, County Council

Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date